

Notice of Allowability

Application No.

09/915,862

Examiner

Michael J. Yigdall

Applicant(s)

EATOUGH ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's submission filed on February 13, 2007.
2. ☒ The allowed claim(s) is/are 1,3,5-10,12-17,20-23,25,28,29,31,34-36 and 38-41 (renumbered 1-29).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TUAN DAM
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. This Office action is responsive to Applicant's submission filed on February 13, 2007.
Claims 1, 3, 5-10, 12-17, 20-23, 25, 28, 29, 31, 34-36 and 38-41 are now pending.

Response to Amendment

2. The rejection of claims 1, 3, 5-10, 12-17, 20-23, 25, 28, 39, 31 and 34-36 under 35 U.S.C. 112, second paragraph, is withdrawn in view of Applicant's amendment.
3. The rejection of claims 1, 3, 5-10, 12, 13, 17, 20-23, 25, 28, 29, 31 and 34-36 under 35 U.S.C. 101 is withdrawn in view of Applicant's amendment.
4. The rejections of claims 1, 3, 5-10, 12-17, 20-23, 25, 28, 29, 31 and 34-36 under 35 U.S.C. 103(a) are withdrawn in view of Applicant's amendment.

Allowable Subject Matter

5. Claims 1, 3, 5-10, 12-17, 20-23, 25, 28, 29, 31, 34-36 and 38-41 are allowed.
6. The following is an examiner's statement of reasons for allowance.

The prior art of record does not teach or reasonably suggest, in the manner and combination recited in each of independent claims 1, 17, 25 and 31, for an application program that corresponds to designated software code, detecting the execution of software code that is not the designated software code, identifying the application program that is executing the software code, and confirming a conflict between the application program and the software code in response to the application program executing the software code, wherein the conflict between

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the application program and the software code is confirmed after the execution of the software code has been detected, and wherein confirming the conflict includes determining that the executed software code is not correct for the selected application program, as Applicant indicates (see Applicant's remarks, pages 17-21).

U.S. Patent No. 7,028,019 to McMillan et al. (now made of record) teaches a method for managing conflicts (see, for example, the abstract), including the steps of confirming a conflict and recording the conflict in a database (see, for example, column 3, lines 25-31), such as now recited in Applicant's claims. However, the conflict is confirmed at a time "before software applications are introduced to a computer system" (column 3, lines 16-17) or "before the applications are rolled out" (column 3, line 48), in contrast to the claimed invention wherein a conflict is confirmed in response to the application program executing the software code.

7. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (571) 272-3707. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

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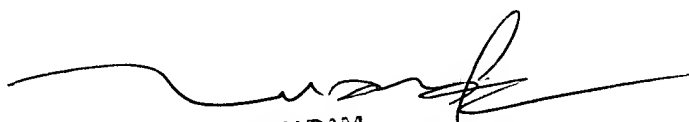
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Michael J. Yigdall
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